

**Present: Chair Joseph Cardello, John O'Donnell, John Flaherty, John Czyzewicz. Absent: Bruce Santa Anna, Ed Magill, Dr. Lucien Benoit. Also present: Town Planner Michael Phillips and Assistant Town Solicitor Bob Rossi.**

**The Chair called the meeting to order at 7:00 p.m.**

## **I. Ordinance Review—Growth Management and Impact Fee Ordinance**

### **Zoning Section 6.12 Wetland and Water Body Setbacks**

**Sam Shamoon and Andy Teitz, planning consultants, who have been working with Mr. Phillips on the Growth Management and Impact Fee Ordinance, were present to address any remaining concerns or issues with the proposed ordinance. Revised drafts of the ordinance were submitted to the Board.**

**The main issues addressed in the revisions were the student/unit ratio and legal questions regarding limiting permits under the cap by subdivision. Mr. Phillips stated that new units were added into the student/unit ratio, which lowered the number slightly; however, it did not affect the cap of 36 units/year.**

**Mr. Teitz spoke with Mr. Rossi about limiting building permits to subdivisions based on geographic area. They came up with some proposed language to address this.**

**Mr. Shamoon stated that revisions have been made to the ordinance in section 8, Exemptions from the Quota. Items E &H have been revised. Item E addresses multifamily dwellings with less than 1 school age child per 10 such dwellings and Item H exempts LMI Housing as long as the town's ratio of LMI is less than 10% of all housing units in town.**

**Section 11, Limitations on Permits Issued, has been revised to add the sentence, "This limitation shall apply even if the lots in any one subdivision are sold to different entities."**

**Mr. Flaherty was concerned about the ordinance's affect on potential multi-use zones and how it would limit growth in such districts. Mr. Teitz stated that the ordinance can be amended to address a mixed-use zone.**

**Further discussion among Board members and town resident Caroly Shumway addressed some typographical errors in the text of the draft. Mr. Shamoon will correct these errors.**

**Mr. Czyzewicz made a motion to send a favorable recommendation on the Impact Fee Ordinance to the Town Council. Mr. O'Donnell seconded the motion. Planning Board vote was as follows: AYE: Mr. Flaherty, Mr. O'Donnell, Mr. Cardello, Mr. Czyzewicz. Motion passed 4-0.**

**Mr. Czyzewicz made a motion to send a favorable recommendation on the Growth Management Program and Growth Cap Quota Ordinance to the Town Council. Mr. O'Donnell seconded the motion. Planning Board vote was as follows: AYE: Mr. Flaherty, Mr. O'Donnell, Mr. Cardello, Mr. Czyzewicz. Motion passed 4-0.**

**The Board discussed the proposed amendments to the Wetland and Water Body Setbacks Zoning Ordinance. Mr. Phillips worked with Lorraine Joubert and added a "Purpose and Authority" section. This section clearly states why the amendments to this ordinance are necessary and the authority that the Town has in imposing the ordinance.**

**Section 6.12.2, subsection 4 was amended to qualify why a 100' setback for ISDS may be sufficient in certain areas in which factors such as soil type, slope, vegetative cover, etc. are determined by a professional soil scientist to create a quality buffer. The Chair suggested taking the specific date out of 6.12.2, subsection 3 and changing it to "date of passing of this ordinance."**

**Section 6.12.2, subsection 7 (Performance Standards) was amended to add specific definitions of advanced ISDS.**

The Board discussed the restrictions placed by the amended ordinance and suggested adding “relief may be sought” to the ordinance. Mr. Rossi suggested adding in a minimum standard by which relief would be granted. Mr. Flaherty was concerned that in certain districts, such as a potential mixed-use zone, this ordinance would put up unnecessary roadblocks to development. Mr. Phillips stated that exemptions from certain provision of the ordinance could be built into any newly created mixed use district. Mr. Flaherty stated that he would be comfortable with the ordinance as written if identified growth centers were exempt from the restrictions. Mr. Flaherty also suggested speaking with the consultants that have been hired to advise on the Branch River Task Force, since they have been hired by the Town, they could offer advice on concerns related to growth centers.

Conservation Commission member Mike Rapko stated that in some wetlands areas, such as streams and rivers, DEM has strict regulations. He also suggested reading the ordinances of other Rhode Island communities for language in writing the ordinance. He stated that Smithfield’s ordinance has simple language and suggested making the ordinance easier to work with. Mr. Phillips stated that he and Ms. Joubert have been reviewing other ordinances in writing these proposed amendments.

Town resident Caroly Shumway also expressed concern that the ordinance is too complicated. She said that the old ordinance is only

a sentence, while this ordinance is 9 pages. She also suggested adding in references to scientific findings in Section 6.12.2, subsection 7 to make it clear who determines things such as “phosphorus-sensitive surface waters.”

Mr. Rossi suggested possibly combining Section 6.12.2, subsections 4 & 6 to specifically state the bare minimum that would be required for a special use permit. Mr. Phillips stated that he would look at revising the wording. He stated that there are 2 different boards (Planning and Zoning) involved, so they may not be able to combine the two items. Subsection 4 is a Planning Board issue, and subsection 6 is a Zoning Board issue.

The Board also discussed whether it was necessary to include all the different treatment requirements listed for each category of system or to simply to add “as defined by RIDEM”.

The Chair suggested wording such as “category 1 system as defined by DEM at the time of issuance of the permit.” There was a discussion of whether the ISDS setback provisions could be written into the Code of Ordinances rather than the Zoning Ordinance. Mr. Phillips indicated that he would need to discuss this with Mr. Rossi.

## **II. Pound Hill Estates—Request for Extension of Master Plan**

**Applicant:** ZYX, LLC, Leo Doire; **Location:** 1910 Pound Hill Road; Plat 10, Lot 59

## **Zoning: RA-65 Rural Agricultural**

**Anthony Sylvia, project engineer, informed the Board that the project has Master Plan approval. The applicant is requesting a 1-year extension. The project design is proceeding; plans have been submitted to DEM for approval. The layout has not changed. Mr. Phillips added that the extension is usually granted as long as the project is moving forward.**

**Mr. O'Donnell made a motion to grant the applicant a 1-year extension. Mr. Czyzewicz seconded the motion. Planning Board vote was as follows: AYE: Mr. Flaherty, Mr. O'Donnell, Mr. Cardello, Mr. Czyzewicz. Motion passed 4-0.**

### **III. Request for Referral to Zoning Board—DPR Section 17.3.2**

#### **Special Use Permit for Use Change to another Nonconforming Use**

**Applicant: Grapevine Landscaping Service, Inc., Location: 1184 Providence Pike, Plat 11, Lot 225; Zoning: RA-65 Rural Agriculture**

**Mr. Phillips told the Board that he had received a letter from Aram Jarret, attorney for the applicant, requesting that the application go before the Zoning Board for approval before appearing before the Planning Board. Mr. Flaherty made a motion to allow Grapevine Landscaping Service, Inc., present their application to the Zoning Board before appearing before the Planning Board. Mr. Czyzewicz seconded the motion. Planning Board vote was as follows: AYE: Mr.**

**Flaherty, Mr. O'Donnell, Mr. Cardello, Mr. Czyzewicz. Motion passed 4-0.**

#### **IV. Planning Board Appointment to Ordinance Review Committee**

**Mr. Phillips stated that there are many different ordinances currently being reviewed by the town. The ordinance changes would be too burdensome for the Planning Board to handle on their own. Therefore, the Town Council passed a resolution to form an Ordinance Review Committee, consisting of members of various town boards and town citizens. The Town Council would like a Planning Board member to be part of the committee. Mr. Phillips stated that Dr. Benoit had agreed to be part of the Ordinance Review Committee, if the Board agrees. Mr. O'Donnell made a motion to appoint Dr. Benoit as the Planning Board representative on the town's Ordinance Review Committee. The Chair seconded the motion. Planning Board vote was as follows: AYE: Mr. Flaherty, Mr. O'Donnell, Mr. Cardello, Mr. Czyzewicz. Motion passed 4-0.**

#### **V. Planning Board Issues & Concerns**

**Mr. Flaherty updated the Board on the Branch River Revitalization Task Force. He stated that the consultants have been hired and will begin their work on June 5. The consultants will spend the day walking the district, reviewing the sewer plan, and meeting with the task force. They will discuss both opportunities and constraints.**

**Later in the month they will hold a public forum. The consultants' work should conclude in approximately 4 months, at which time they will submit a final report, outlining opportunities for the district and required investments for the town. The Chair stated that he would try to join in on some of the task force's meetings during the next few months.**

**Mr. Phillips told the Board that the town had purchased a wastewater management software package (\$100/year) that will track maintenance, inspection, and mandatory pumping of the town's septic systems.**

**Mr. Flaherty made a motion to adjourn at 8:53 pm. Mr. O'Donnell seconded the motion, with all in favor.**

**Respectfully Submitted,**

**Angela Pugliese, Planning Board Secretary**